

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rule making related to waivers

The Department of Transportation hereby amends Chapter 11, “Waiver of Rules,” and Chapter 112, “Primary Road Access Control,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 307.12 and Executive Order 11 dated September 14, 1999.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 17A.9A as amended by 2020 Iowa Acts, House File 2389, section 10.

Purpose and Summary

These amendments update Chapters 11 and 112 to remove the word “variance” when used with the word “waiver” in accordance with the same change included in 2020 Iowa Acts, House File 2389, section 10.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 23, 2020, as **ARC 5180C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on November 10, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on January 6, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 11.1(1) as follows:

11.1(1) The purpose of this chapter is to establish a general process for granting waivers ~~or variances~~ ~~(hereinafter referred to as waivers)~~ from the requirements of department rules. A waiver is an agency action which suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person.

ITEM 2. Amend paragraph **112.12(2)“c”** as follows:

c. A predetermined access location that does not meet required spacing standards is not a waiver ~~or variance~~ of these rules if justification for the access location is based on one or more of the considerations listed in paragraph “a” of this subrule. The final access review letter must include this justification.

[Filed 11/12/20, effective 1/6/21]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 12/2/20.